



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21400 of 2022(O&M)

Date of Decision: October 15, 2024.

Inderjeet

..... PETITIONER (s)

Versus

Deputy Commissioner-cum-District Magistrate, Palwal and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS.JUSTICE SUKHVINDER KAUR**

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. S.K.Panwar, Addl.AG, Haryana.
for respondent Nos.1 and 2.

Mr. Rakesh Gupta, Advocate and
Ms. Manvi Arora, Advocate
for respondent-Bank.

LISA GILL, J.

1. Prayer in this writ is for quashing demand notice dated 12.02.2021 and possession notice dated 07.07.2021 under Sections 13(2) and 13(4), respectively, of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act') issued by respondent-Bank as well as order dated 14.07.2022/29.07.2022 passed by District Magistrate, Faridabad under Section 14 of SARFAESI Act.

2. When faced with the question of entertainability of the writ petition, especially, keeping in view judgments of the Hon'ble Supreme Court Court in **Union**

Bank of India v. Satyawati Tandon and others, 2010(8) SCC 110 and subsequent cases including **Varimadugu Obi Reddy v. B. Sreenivasulu and others, 2023(1)**

R.C.R. (Civil) 34 and M/s South Indian Bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771, learned counsel for petitioner seeks to withdraw this writ petition with liberty to approach learned Debt Recovery Tribunal while taking all the available pleas. It is further prayed that interim order in favour of petitioner be directed to continue in the interregnum.

3. Writ petition is, accordingly, dismissed as withdrawn with liberty as aforementioned.

4. Keeping in view the fact that this writ petition has remained pending before this Court since long and interim order granted by Coordinate Bench on 19.09.2022 is continuing till date, the same shall enure for fifteen working days, especially keeping in view ensuing Diwali break from the date of receipt of certified copy of order to enable petitioner to file appropriate petition/application before the concerned Tribunal alongwith requisite application(s) seeking exclusion of period of delay/for interim relief.

5. Needless to say, question of grant/continuance of interim order or exclusion of period of delay beyond said period of fifteen days would be entirely in the realm of consideration of concerned Forum/Tribunal, which would decide the same in accordance with law without being influenced in any manner by any order(s) passed in this writ petition. It is clarified that this order would automatically stand vacated in the absence of order by appropriate authority.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

October 15 , 2024.
'om'

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No